

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 2306 – HB 2412

March 4, 2018

**SUMMARY OF ORIGINAL BILL:** Establishes a medical hardship exemption to the requirement that authorization to engage in regulated professions and occupations be revoked for persons who default on student loans. This legislation applies specifically to lobbyists, attorneys, athlete agents, teachers, and any licensee under any division, board, commission, committee, agency, or other governmental entity under the Department of Commerce and Insurance (DCI) or the Department of Health (DOH).

Requires the Tennessee Student Assistance Corporation (TSAC), by rule, to establish criteria that permit a debtor to retain a license when the debtor's default or delinquency is the result of a medical hardship that prevented the debtor from working in the debtor's licensed field and the medical hardship significantly contributed to such default or delinquency.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

IMPACT TO COMMERCE OF ORIGINAL BILL:

NOT SIGNIFICANT

**SUMMARY OF AMENDMENT (013419):** Deletes and rewrites all language after the enacting clause such that the only substantive change provides agencies of the state the authority to determine whether or not to suspend, deny, or revoke the registration of a respective licensee or accept a medical hardship exemption.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- This legislation is likely to result in a decrease in the number of instances in which the license of an attorney, teacher, athlete agent, or person licensed under a division, board, commission, committee, agency, or other governmental entity under the DCI or the

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DOH, is suspended, denied, or revoked for delinquency or default on a student loan, when the reason for such delinquency or default is significantly due to a medical hardship.

- According to the DCI, there were approximately 283 total instances in 2017 in which a person licensed under a DCI program was suspended, denied, or revoked due to delinquency or default on a student loan.
- According to the DCI, a majority of the 283 individuals reinstate their license, and although the DCI does have the authority to charge a \$10 reinstatement fee, it is not currently levied; therefore, this legislation is estimated to have no significant impact on the DCI or any of its programs.
- Pursuant to Tenn. Code Ann. § 4-29-121, all regulatory boards are required to be self-supporting over any two- year period. The Division of Regulatory Boards experienced a surplus of \$5,725 in FY15-16, a surplus of \$2,735,422 in FY16-17, and a cumulative reserve balance of \$26,350,035 on June 30, 2017.
- Based on information provided by the DOH, it is unknown how many instances per year a person licensed under a DOH program was suspended, denied, or revoked due to delinquency or default on a student loan, when the reason for such delinquency or default is significantly due to a medical hardship.
- Based on information provided by the DOH, no reinstatement fee is collected from persons who seek reinstatement after having a license suspended, denied, or revoked due to delinquency or default on a student loan; therefore, this legislation is estimated to have no significant impact on DOH or any of its programs.
- Pursuant to Tenn. Code Ann. § 4-29-121, all health related boards are required to be self-supporting over any two-year period. The Division of Health Related Boards experienced a surplus of \$4,526,956 in FY15-16, a surplus of \$3,551,254 in FY16-17, and a cumulative reserve balance of \$32,645,083 on June 30, 2017.
- TSAC can establish criteria for determining the definition of medical hardship, utilizing existing staff during normal work hours.
- Based on information provided by the Administrative Office of the Courts (AOC), no reinstatement fees are collected by licensed attorneys who seek reinstatement after having a license suspended, denied, or revoked due to delinquency or default on a student loan; therefore, this legislation is estimated to have no significant impact on the AOC or the Board of Law Examiners.
- According to information provided by the Tennessee Bureau of Ethics and Campaign Finance (BECF), it has never received any notification detailing any registered lobbyist who has become delinquent or defaulted on a student loan.
- The Secretary of State's Office licenses athlete agents. It is assumed that any number of delinquencies or defaults experienced by athlete agents has had no significant impact on such licensing program.

## **IMPACT TO COMMERCE WITH PROPOSED AMENDMENT:**

**Unchanged from the original fiscal note.**

Assumptions for the bill as amended:

- This legislation is estimated to have no significant impact on any lobbyist, attorney, teacher, athlete agent, or person licensed under any division, board, commission, committee, agency, or other governmental entity under the DCI, or the DOH; therefore, no significant impact on commerce or jobs in Tennessee.
- It is assumed that any such professional, whose license has been suspended, denied, or revoked due to delinquency or default on a student loan, would take all required steps to get their license reinstated under current law. As a result, any increase in business activity, and associated business revenue and expenditures, as a result of this legislation will be not significant.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/jdb